Public Works (1903.) Department.

MFD

G.O., No. 1293 / 1303 I

DATED 4 Feby. 1903.

[Despatch Abstract.]

Judgment delivered by the High Court in the Peranai ~~[illegible]~~ Suit.

Pro: Rev: Deptt, furnishing copy of a ——— received and ordered that a copy thereof be forwarded to the G. of I.

Letter to the G. of I.

DL

P. W. 25.
400—12-8-01.

Indexed

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Public Works (1902) Department.

CURRENT No. 140

FROM

THE REVENUE DEPARTMENT.

B

Order thereon

Recorded. We should have a copy of judgment. Sh. fr. O.G.I. in continuation

Issue I

Sent 13/1/03 of last

To The Chief Engr. for Irrign.
- Supdg. Engr. 6 Circle.

12/1/03

R. No. 2200

Dated 18 - 12 - 1902.

Enclosures

Received 190 .

Registered 10 - 1 - 1903

SUBJECT.

Recording papers regarding the judgment delivered by the High Court in C. M. A. No. 120 of 1902 in connection with the Periyar Suit.

BACK PAPERS.

Gr. 1418 dd 5-12-02
1429-30 2/02

FURTHER PAPERS.

F/16 3,840—22-3-02.

GOVERNMENT OF MADRAS REVENUE DEPARTMENT

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from the Advocate General, Madras, dated 8th December 1902:--

I have the honour to report for the information of Government that the appeal from the order of the subordinate Judge of Madura dismissing the plaintiff's application for a temporary injunction in the Periyar suit (C.M.a.No.130 of 1902) came on for hearing today before Benson and Bashyam Iyengar J.J. and was dismissed with costs.

Read also the following letter from the Collector of Madura, R.on C.No.3518/G1., dated 12th December 1902:--

Adverting to Government Order No.943 (Confidential No. 162) dated 31st October 1902, I have the honour to state that the appeal preferred to the High Court by the plaintiff in the Peranai suit, from the order of the subordinate Judge, Madura (West) dismissing his application for a temporary injunction, has been dismissed with costs.

Order thereon R.No.2300 Revenue, d/18th December 1902.

R e c o r d e d.

(True Extract.)

[signature]

for Secretary to Government.

Copy to the Board of Revenue, Revenue Settlement.

,, Public Works Department.

[E. I. / 5] 4,000—19-3-02.

Public Works (1903) Department

(IRRIGATION BRANCH.)

CURRENT No. ~~13~~ 930

From

[*Name*]

[*Designation*] The Under Secy, Reve Deptt

[*Station*]

No. "

Dated 22. 1. 1903.

Enclosures { *Plans* / *Others* 1 } *Total* 1

Spare copies

Received ~~24. 1.~~ 1903

Registered 24. 1. 1903.

28 — 1 — 03

SUBJECT.

Copy of High Court Judgment in connection with the Peranai suit — furnishing with a —

BACK PAPERS.

Papers [illegible]

916/03

FURTHER PAPERS.

No. 16.

Government of Madras,

PUBLIC WORKS DEPARTMENT,
IRRIGATION BRANCH,

Madras, 19th Jany 1903.

OFFICE NOTE.

Rev. Dept

From

"I"

To

The Secretary to Govt.
Revenue Dept.

Reference:— G.O. No. 2200-Revenue
d/ 18th Decr. 1902.

Please favour me with a copy of the judgment delivered by the High Court for transmission to the Govt. of India, in continuation of G.O. No. 1430 I dated 6th Decr. 1902.

Furnished.

W. Marjoribanks
Under Secretary to Govt.

3
.1.03

F Q

171/03

19/1/03

CHIEF ENGINEER
FOR IRRIGATION.
24 JAN. 1903
No. 13

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Monday, the eighth day of December,

One thousand nine hundred and two.

Present:-

The Honourable Mr. Justice Benson,

and

The Honourable Mr. Justice Bhashyam Aiyangar.

Appeal against Order No.120 of 1902.

R.Fischer .. .. .. Appellant(Petitioner)

The Secretary of State for India in Council -- Respondent (Defendent.)

Appeal against the order of the Subordinate Judge's Court of Madura(west) dated the 11th day of September 1902 in Miscellaneous Petition Nos.251 and 305 of 1902 in the matter of Original Suit No.22 of 1901.

This appeal coming on for hearing; the Court delivered the following

<u>JUDGMENT:-</u> Assuming, but without deciding or implying that a suit for an injunction lies in a case such as the present, against Government, and without expressing any opinion ~~of~~ on the merits of the suit, we are clearly of opinion that, on the affidavits filed in relation to the application for injunctions pending the trial of the suit, it is impossible to hold that the Plaintiff has suffered or is likely to suffer material damages by reason of the acts complained of.

We may add that the fact that certain works have been commenced or carried on on behalf of the Defendent after the suit was filed, is of itself no ground for the issue of an in-

junction

injunction pending suit.

We dismiss the appeal with costs.

(Sd.) Arthur Davies,

Ag. Dy. Registrar,

Appellate Side.

(True Copy)

(Sd.) A.L.Hannay,

Registrar.

CHIEF ENGINEER FOR IRRIGATION.
24 JAN. 1903
No. 13

(True Copy)

C. Ratnavelu Mudr.

Registrar

Revenue Secretariat

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

B/ Pros of the Madras Government. Rev. Dept.
No. 2200. Rev. dated 18th Decr 1902.

— No. 129 I. of 4th February 1903

Recorded.

2. The following letter will be despatched to the Govt of India.

To The Chief Engineer for Irrign ✓
" Supdg. Engineer, 6th Circle, ✓
" Revenue Dept. ✓

Exprd
31.1.03.

DESPATCHED
5 FEB. 1903

No. 130 I. of ~~4~~ 4th Feby: 1903

To

The Secretary to the Govt of India P. W. D
Irrign., Roads & Build

Sir,

In continuation of my letter No 1430. I. dated 6th Decr 1902, I am directed to forward herewith for the information of the Govt

...ment of India
a Copy of the judgment
delivered by the High
Court of Judicature, Madras,
dismissing with costs
the appeal preferred
by the Plaintiff in the
Peravi suit, from the
order of the Subordinate
Judge, of Madura (West)
dismissing his application
for a temporary injunction.

MCC — Done
27/1/03 — Cut
D — 27/1/03

DESPATCHED
5 FEB. 1903

27/1/03

Form No. 1—1,000—10-5-01.

12-43 VI
11.8.50 ٤